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08 November 2007 Amendment
Responsive to 08 August 2007 Office Action

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REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-17 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-17 will be pending for further consideration and examination in the application.

STATEMENT OF SUBSTANCE

A telephone conference was conducted on 30 July 2007 between the Examiner in charge of this application and Attorney Melvin Kraus, with the Examiner indicating that the elected claims could be placed in condition for allowance if "electro optical element" in each of the claims was amended to "organic light emitting diode", as in the allowed claims of the parent application. Applicant attempted to accept such proposal approximately 03 August 2007, but for unknown reasons, an acceptance message was never received at the Examiner's office. The Examiner subsequently prepared/issued the present 08 August 2007 Office Action. Another telephone conference was initiated on 17 September 2007 by Attorney Paul J. Skwierawski, with the Examiner confirming that the claims could still be placed in

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condition for allowance if "electro optical element" in each of the claims was amended to "organic light emitting diode", as in the allowed claims of the parent application. Accordingly, the present amendments effect the change of "electro optical element" to "organic light emitting diode" in each of the claims, so as to move the present application to allowance.

REJECTION UNDER 35 USC '102

The 35 USC '102 rejection of claims 1-7 as being anticipated by Mizutani et al. (U.S. Patent 6,392,620) is respectfully traversed. However, such rejections have been rendered obsolete by the above-discussed clarifying amendments to Applicant's claims (see Statement of Substance section). Accordingly, traversal arguments are not appropriate at this time. It is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '102 obviousness-type rejection of Applicant's claims, for the same reasons that the claims within Applicant's parent application were allowable over the art of record. As a result of the foregoing, reconsideration and withdrawal of such '102 rejection, and express written allowance of all of the '102 rejected claims, are respectfully requested.

TERMINAL DISCLAIMER FILED

During the aforementioned 17 September 2007 telephone conference between the Examiner and Attorney Paul J. Skwierawski, the Examiner further indicated that a Terminal Disclaimer disclaiming with respect to the parent application's patent would be required to move the present application to allowance.

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Applicant respectfully traverses such requirement. However, in order to travel a path of least resistance to obtaining a patent for the present application, submitted herewith is an executed Terminal Disclaimer to overcome any non-statutory double patenting rejection. As a result of the foregoing, any double patenting rejection of the subject claims is precluded. The above statements, or the filing of any Terminal Disclaimer, should not be taken as an indication or admission that any double-patenting rejection would be valid, but is merely use of a procedural approach to obtain a patent (without prejudice or disclaimer) as quickly as possible given that the present application's patent may have coextensive term anyways as measured from the same original filing date, regardless of the Terminal Disclaimer. Further discussions/arguments concerning such rejection(s), claims and/or reference are left for the future if/when appropriate.

As a final point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

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RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.39918VX1) and please credit any excess fees to such deposit account.

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Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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